

Remarks:

This is a reply to the office action of December 17, 2003, which raised some formal objections, and also rejected the claims over prior art (U.S. Patent 4321891 to Moeller; U.S. Patent 5785010 to Koch).

The examiner is requested to withdraw the objection to the Abstract. The word "means" is not used in the 35 USC 112 legal sense, but rather in its ordinary sense. See Webster's New Twentieth Century Dictionary (unabridged, second edition) page 1115, which defines "by means of" as "by using; with the aid of; through". The rules do not generally forbid use of the word "means" in an abstract.

The objections to the drawings are respectfully traversed. We do not understand the comment about reference 30. It and its leader are correctly placed in Fig. 2, not near the logo 34.

The pawl is identified in Figure 1 by reference 18. The requirement that it be referenced in Figure 2 as well is traversed. There is no requirement that every element be numbered in every figure. The presence of unnecessary reference characters may, in fact, confuse the reader.

The objection to the drawings for not showing the second end of the strip is respectfully traversed. The second end of the strip, described at page 2, lines 15 - 18, is clearly shown in Figure 1, just below reference 44, between overlapped portions 52,54.

The objection to the specification for failing to provide proper antecedent basis at page 2, line 6 is respectfully traversed. Such an objection would be appropriate with respect to a *claim*, but 37 CFR 1.75(d)(1) and MPEP 608.01(o) do not require one to use the

article "a" in the *description* whenever an element is first introduced. We have used common English: "the pawl of a metal buckle" is just as clear as "the thumb of one hand" or "the engine of a car". We submit that the specification meets the requirement of section 112 that it "contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same... ."

We earnestly believe that the formal objections made by the examiner are improper and should be withdrawn.

With respect to the prior art rejections, we have carefully reviewed the Moeller patent (No. 4321891) and Koch patent (No. 5785010) and argue as follows:

Moeller discloses a collar formed from a strip of material. One end of the strip passes around a shaft 15 on the buckle and is then sewn to itself at 5; the other end passes through the rings 8 and 9 and then is sewn to itself at 3. The rings and the buckle are thus permanently held captive, and the collar can never be undone. It can only be expanded or contracted, by selecting one of the holes 6 for engagement by the pawl 17. Moeller states: "The specific strap hole in which the retaining finger is located will determine the size of the loop formed by the portion of the strap extending from its end connection to the hollow link member to the part thereof which extends through the hollow area defined within the hollow link member, and thus the tightness of the collar around the animal's neck."

Some animals are alarmed by having a collar or loop placed over their head. For such animals, it is better to have a collar which can be fully opened, and placed around the animal's neck from behind. The present invention satisfies this requirement, and its structure is different from Moeller's for that reason. Claim 1 describes a dog collar

having:

- (a) a strip of flexible material having first and second ends,
- (b) a buckle comprising a frame having two lateral sides, top and bottom sides interconnecting the lateral sides and two crossbars extending between the top and bottom sides, and a pawl mounted for pivoting movement on a first of said crossbars, the pawl having a length sufficient to engage one of said lateral sides,
- (c) a first of said ends of the strip having a hole formed therein for receiving the pawl,
- (d) a second of said ends of the strip being passed around a second of said cross bars and back along itself to form an overlapped portion, and being secured by an adjustment mechanism to an intermediate portion of the strip.

We agree that Moeller anticipates elements (a) and (b). However, Moeller does not disclose element (c): in Moeller, neither end of the strip has a pawl-receiving hole in it. The holes 6 are in the middle of the strip, far from either end. Furthermore, neither end of Moeller's strip is (d) "secured by an adjustment mechanism to an intermediate portion of the strip." Indeed, the only adjustment mechanism in Moeller's collar is the buckle. Compare the present invention, where the only adjustment mechanism is the length adjuster 40. Clearly, claim 1 is not anticipated by Moeller, and it follows that the remaining claims, all of which depend from claim 1, are novel over Moeller.

Claims 2 and 5 were rejected as obvious of Moeller. With respect to claim 2, we respectfully submit that the prior art teaches away from the idea of providing only a single hole in the collar for the pawl to engage. The purpose of a buckle in every prior collar of which we are aware is to provide length adjustability. The present invention provides only a single hole, because the length adjustability is provided elsewhere (by item 40). The advantage of this unobvious construction is that the length of the tongue (item 12 in Figure 1) which protrudes from the belt is unchanging and short. The result is that there is never an unsightly long free end protruding from the belt to catch

on things and more likely work loose. So the buckle has the ordinary buckle function of forming a closed loop, but not the ordinary buckle function of providing length adjustability. Nothing in the prior art suggests this improvement.

With respect to claim 5, we agree that metal is an obvious choice of materials. However, we maintain that claim 5 is not obvious, because the limitations claim 5 inherits from claim 1 are not obvious, and the examiner has not made out a case of obviousness against claim 1.

Claims 9 and 10 were rejected as obvious over Moeller in view of Koch. With respect to claim 9, we agree that Koch's element 5 is like the present inventor's element 40, and with respect to claim 10, we agree that Koch's element 26 is like the present inventor's element 50. However, each of claims 9 and 10 inherits from claim 1 subject matter which has been shown to be novel and non-obvious, and Koch does nothing to overcome the deficiencies of the prior art with respect to claim 1.

In view of the foregoing, we respectfully submit that the claims at issue are novel and non-obvious over the prior art and that the application as currently presented is in condition for allowance.



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I certify that this amendment is being transmitted by facsimile to the USPTO at 703.872.9306 on April 19, 2004.

